

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Cindy Julian
DOCKET NO.: 04-01334.001-R-1
PARCEL NO.: 08-33-332-009

The parties of record before the Property Tax Appeal Board are Cindy Julian, the appellant, and the McHenry County Board of Review.

The subject property consists of a 14,000 square foot parcel which has been improved with a two-story frame dwelling containing 2,660 square feet of living area constructed in approximately 1998. The dwelling features a full unfinished basement, central air conditioning, a fireplace, and a three-car garage. In addition, the property has a 228-square-foot porch and a 192-square-foot sun porch. The property is located in Woodstock, Greenwood Township, Illinois.

The appellant appeared before the Property Tax Appeal Board arguing that the fair market value of the subject was not accurately reflected in its assessed value. In support of that argument, a grid analysis with sales of three suggested comparable properties along with supporting testimony was presented. In addition, appellant submitted several pages of an appraisal which she obtained from a neighboring property owner with regard to an appraisal concerning appellant's comparable number 3.

Utilizing two of the three traditional approaches to value, the appraisal of appellant's comparable number 3 provided an estimated market value for that property of \$235,500 as of November 14, 2003. The appraiser, however, was not present at the hearing to provide testimony or to be cross-examined regarding the methodology or final value conclusion.

The three sales comparables presented by appellant in a grid analysis were located within three blocks of the subject property

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Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds a reduction in the assessment of the property as established by the McHenry County Board of Review is warranted. The correct assessed valuation of the property is:

LAND:	\$	15,219
IMPR.:	\$	66,273
TOTAL:	\$	81,492

Subject only to the State multiplier as applicable.

PTAB/cck/9-18

and consisted of parcels ranging from 9,009 to 10,875 square feet of land area. These parcels were improved with two-story frame dwellings that ranged in size from 2,078 to 2,498 square feet of living area and ranged in age from new construction to five years old. These dwellings featured partial or full unfinished basements, central air conditioning, and two-car garages. Two of the properties also included one fireplace each. Additional features of the properties included a deck or a patio. These properties sold between December 2003 and November 2004 for prices ranging from \$222,749 to \$236,000 or from \$89.57 to \$113.57 per square foot of living area including land.

Appellant also testified that as of the date of hearing in May 2007, a newer property similar to the subject in the subdivision was currently advertised for sale for \$239,900. Appellant also made an argument that there would be no logical reason for a buyer to purchase the subject property for more money (based on the estimated market value according to the assessment) when newer homes in the area could be purchased for less. Based on these comparisons, the appellant felt that the subject's total assessment should be reduced to \$78,333 in order to reflect an estimated fair a market value of approximately \$235,000 which she contends was supported for the subject property based on the evidence presented.

The Board of review presented its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$88,992 was disclosed. Based on this assessment, the property has an estimated fair market value of \$267,243 or \$100.47 per square foot of living area including land based on McHenry County's three-year median level of assessments of 33.30% as determined by the Illinois Department of Revenue. No substantive evidence supporting the assessed valuation of the subject property was presented by the board of review¹; rather, only a letter disputing some of the data submitted by the appellant was presented along with testimony from the Greenwood Township Assessor Karen D. Roth. On behalf of the board of review, its spokesman also utilized the appellant's data and contended that

¹ In the assessor's letter submitted to the board of review and thereafter filed with the Property Tax Appeal Board, references were made to information submitted "in the next case." Pursuant to the Official Rules of the Property Tax Appeal Board, "[t]he Board of Review Notes on Appeal and all written and documentary evidence supporting the board of review's position must be submitted to the Property Tax Appeal Board within 30 days after the date and/or postmark of the notice of the filing of an appeal" (86 Ill. Admin. Code Sec. 1910.40(a)) Due process requirements mandate the submission of all evidence the board of review will utilize in the instant case. (86 Ill. Admin. Code Sec. 1910.66) References to documentation that may have been filed in some other proceeding before the board of review does not comply with the rules of the Property Tax Appeal Board; ". . . the Board will consider only the evidence, exhibits and briefs submitted to it" (86 Ill. Admin. Code Sec. 1910.50(a))

based on assessment equity, the subject's assessment was appropriate.

Testimony from the assessor was that a site method for assessing land was utilized in the subject's subdivision. Therefore, each of the comparables selected by the appellant, despite being smaller parcels than the subject, had a land assessment identical to the subject of \$15,219. Moreover, the assessor asserted that one recent sale in April 2005 of a vacant parcel at an unspecified location (identified only by parcel identification number) for a price of \$52,000 conclusively establishes that the subject property is actually "under assessed."

In testimony, like the statements in her letter, assessor Roth asserted the suggested comparable sales presented by the appellant were not "valid" sales comparables as two properties were "pre-construction sales" and another property had not sufficiently increased in value over a period of seven years between sales which suggested to the assessor that it was either a distress sale or in "horrible" condition. The assessor had no evidence that any of the appellant's suggested comparable sales were not arm's length transactions nor did the assessor have evidence that any property was actually in poor condition. Based on the foregoing arguments, the board of review requested confirmation of the subject's assessment.

After hearing the testimony and reviewing the record, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

When overvaluation is claimed, the appellant has the burden of proving the value of the property by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill. App. 3d 179, 728 N.E.2d 1256 (2nd Dist. 2000); National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill. App. 3d 1038 (3rd Dist. 2002); *Official Rules of the Property Tax Appeal Board*, 86 Ill. Admin. Code Sec. 1910.63(e). Proof of market value may consist of an appraisal, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. *Official Rules of the Property Tax Appeal Board*, 86 Ill. Admin. Code Sec. 1910.65(c). The Board finds the appellant has overcome this burden.

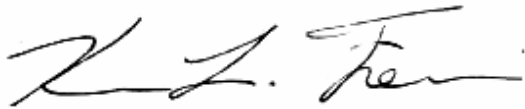
The appellant presented three sales comparables for consideration. Appellant's comparable number 1 has significantly less living area square footage than the subject and has been given reduced weight by the Property Tax Appeal Board in its analysis. Appellant's comparable numbers 2 and 3 are similar in

location, and more similar in size and amenities to the subject; thus, these two comparables are judged to be the most similar comparables to the subject in the record. On the basis of this analysis of the suggested comparable sales, the Property Tax Appeal Board finds that the subject had a fair market value of \$244,720 or \$92.00 per square foot of living area including land as of January 1, 2004. Since fair market value has been established, the three-year weighted average median level of assessments for McHenry County of 33.30% shall apply.

This is a final administrative decision of the Property Tax Appeal Board are subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.



Chairman



Member



Member



Member



Member

DISSENTING: _____

C E R T I F I C A T I O N

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: September 28, 2007



Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing

complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.